

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

#### 7 CFR Part 760

RIN 0560-AE97

#### Dairy Indemnity Payment Program

**AGENCY:** Farm Service Agency, USDA.  
**ACTION:** Final rule.

**SUMMARY:** This final rule amends the authority citation for the Dairy Indemnity Payment Program (DIPP) regulations to cover the expenditure of additional funds that were recently appropriated.

The DIPP indemnifies dairy farmers and manufacturers for losses suffered with respect to milk and milk products, through no fault of their own.

**EFFECTIVE DATE:** December 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Raellen Erickson, Agricultural Program Specialist, Price Support Division, FSA, USDA, STOP 0512, P.O. Box 2415, Washington, D.C. 20013-2415, at (202) 720-7320.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

##### Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are Dairy Indemnity Payments, Number 10.053.

##### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because the Farm Service Agency is not required by 5 U.S.C. 533 or any other provision of

law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

##### Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

##### Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

##### Executive Order 12778

This rule has been reviewed pursuant to Executive Order 12778. To the extent State and local laws are in conflict with these regulatory provisions, it is the intent of CCC that the terms of the regulations prevail. The provisions of this rule are not retroactive. Prior to any judicial action in a court of competent jurisdiction, administrative review under 7 CFR part 780 must be exhausted.

##### Paperwork Reduction Act

The amendments to 7 CFR part 760 set forth in this final rule do not contain additional information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. 35. Existing information collections were approved by OMB and assigned OMB Control Number 0560-0116.

##### Background

The DIPP was originally authorized by section 331 of the Economic Opportunity Act of 1964. The statutory authority for the program was extended several times. Most recently, funds were appropriated for this program by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 1997, (the Act) Public Law 104-180, 110 Stat. 1569, which authorizes the program to be carried out until the funds appropriated under the Act are expended. The objective of DIPP is to indemnify dairy farmers and manufacturers of dairy products who,

through no fault of their own, suffer income losses with respect to milk or milk products removed from commercial markets because such milk or milk products contain certain harmful residues. In addition, dairy farmers can also be indemnified for income losses with respect to milk required to be removed from commercial markets due to residues of chemicals or toxic substances or contamination by nuclear radiation or fallout.

The regulations governing the program are set forth at 7 CFR 760.1-760.34. This final rule makes no changes in the provisions of the regulations. Since the only purpose of this final rule is to make a technical amendment by adding a new authority pursuant to the Act, it has been determined that no further public rulemaking is required. Therefore, this final rule shall become effective upon date of publication in the Federal Register.

##### List of Subjects in 7 CFR Part 760

Dairy products, Indemnity payments, Pesticides and pests.

Accordingly, the regulations at 7 CFR Part 760 are amended as follows:

### PART 760—INDEMNITY PAYMENT PROGRAMS

#### Subpart—Dairy Indemnity Payment Programs

The authority citation for Subpart Dairy Indemnity Payment Programs is revised to read as follows:

Authority: Pub. L. 104-37, 109 Stat. 310; Pub. L. 104-180, 110 Stat. 1569.

Signed in Washington, DC, on November 21, 1996.

Bruce R. Weber,

*Acting Administrator, Farm Service Agency.*  
[FR Doc. 96-31072 Filed 12-5-96; 8:45 am]

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### Agricultural Marketing Service

#### 7 CFR Part 981

[Docket No. FV96-981-4FR]

#### Almonds Grown in California; Interest and Late Payment Charges on Past Due Assessments

**AGENCY:** Agricultural Marketing Service, USDA.